

May 18, 1928.

[H. R. 491.]

[Public, No. 423.]

CHAP. 624.—An Act Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California.

Indians in California.
Definition of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this Act the Indians of California shall be defined to be all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State.

Suit for compensation for lands, etc., taken from, by United States to be brought in Court of Claims, by attorney general of California for the Indians in.

SEC. 2. All claims of whatsoever nature the Indians of California as defined in section 1 of this Act may have against the United States by reason of lands taken from them in the State of California by the United States without compensation, or for the failure or refusal of the United States to compensate them for their interest in lands in said State which the United States appropriated to its own purposes without the consent of said Indians, may be submitted to the Court of Claims by the attorney general of the State of California acting for and on behalf of said Indians for determination of the equitable amount due said Indians from the United States; and jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all such equitable claims of said Indians against the United States and to render final decree thereon.

Appeal to Supreme Court.

Declaration of ground for equitable relief.

It is hereby declared that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the eighteen unratified treaties is sufficient ground for equitable relief.

Settlement notwithstanding lapse of time, etc.

SEC. 3. If any claim or claims be submitted to said courts, they shall settle the equitable rights therein, notwithstanding lapse of time or statutes of limitation or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the Act of March 3, 1851 (Ninth Statutes at Large, page 631): *Provided*, That any decree for said Indians shall be for an amount equal to the just value of the compensation provided or proposed for the Indians in those certain eighteen unratified treaties executed by the chiefs and head men of the several tribes and bands of Indians of California and submitted to the Senate of the United States by the President of the United States for ratification on the 1st day of June, 1852, including the lands described therein at \$1.25 per acre. Any payment which may have been made by the United States or moneys heretofore or hereafter expended to date of award for the benefit of the Indians of California, made under specific appropriations for the support, education, health, and civilization of Indians in California, including purchases of land, shall not be pleaded as an estoppel but may be pleaded by way of set-off.

Vol. 9, p. 631.

Proriso.
Decree to equal compensation as provided by unratified treaties.

Prior payments as set-offs.

Time for filing claims, etc.

SEC. 4. The claims of the Indians of California under the provisions of this Act shall be presented by petition, which shall be filed within three years after the passage of this Act. Said petition shall be subject to amendment. The petition shall be signed and verified by the attorney general of the State of California. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give the said attorney access to such papers, correspondence, or furnish such certified copies of record as may be necessary in the premises free of cost.

Evidence admitted.

Allowance to reimburse the State for court costs, etc.

SEC. 5. In the event that the court renders judgment against the United States under the provisions of this Act, it shall decree such amount as it finds reasonable to be paid to the State of California

to reimburse the State for all necessary costs and expenses incurred by said State, other than attorney fees: *Provided*, That no reimbursement shall be made to the State of California for the services rendered by its attorney general.

Proviso.
No reimbursement for attorney general's services.

SEC. 6. The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Indians of California and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That the Secretary of the Treasury is authorized and directed to pay to the State of California, out of the proceeds of the judgment when appropriated, the amount decreed by the court to be due said State, as provided in section 5 of this Act.

Judgment to be placed to credit of the Indians.

Use of fund.

No per capita payment.

Proviso.
Payment to California for costs.

SEC. 7. For the purpose of determining who are entitled to be enrolled as Indians of California, as provided in section 1 hereof, the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of persons entitled to enrollment. Any person claiming to be entitled to enrollment may within two years after the approval of this Act, make an application in writing to the Secretary of the Interior for enrollment. At any time within three years of the approval of this Act the Secretary shall have the right to alter and revise the roll, at the expiration of which time said roll shall be closed for all purposes and thereafter no additional names shall be added thereto: *Provided*, That the Secretary of the Interior, under such rules and regulations as he may prescribe, shall also cause to be made, within the time specified herein, a roll of all Indians in California other than Indians that come within the provisions of section 1 of this Act.

Roll to be prepared.
Post, p. 1640.

Applications for enrollment.

Revision within three years.

Proviso.
Rules, etc., to be prescribed.

Approved, May 18, 1928.

CHAP. 625.—An Act To extend medical and hospital relief to retired officers and retired enlisted men of the United States Coast Guard.

May 18, 1928.
[H. R. 11022.]
[Public, No. 424.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter retired officers and retired enlisted men of the United States Coast Guard shall be entitled to medical treatment at Marine hospitals and out-patient offices of the Public Health Service.

Coast Guard.
Retired officers and enlisted men of, to have medical treatment at Public Health hospitals, etc.

Approved, May 18, 1928.

CHAP. 626.—An Act Authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the Act of May 26, 1926 (Forty-fourth Statutes at Large, page 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land.

May 18, 1928.
[H. R. 15.]
[Public, No. 425.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$150,000, which sum shall continue available until expended, to enable the Secretary of the Interior to carry out the provisions of the Act of May 26, 1926 (Forty-fourth Statutes at Large, page 655), entitled "An Act to make additions to the Absaroka and Gallatin

Absaroka and Gallatin Forests, and Yellowstone Park.
Sum authorized for additions to.

Vol. 44, p. 655.
Post, p. 1601.